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EXAMINER

SHRESTHA, BIJENDRA K

ART UNIT

PAPER NUMBER

3691

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/004,243

Applicant(s)

BELGRANO, EDUARDO J.

Examiner

Bijendra K. Shrestha

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :02/19/2002,03/27/2002 and 08/13/2002.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "28" and "29" have both been used to designate "OFFSET" in Fig. 2.. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: potential participant (30), page 12; trade dollars(23), page 13; time period (26), page 13; balance (28), page 14; calculation means (44), page 15; refund amount (31), page 15. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top

Art Unit: 3691

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "28" has been used to designate both BALANCE (not shown in a diagram) and OFFSET in Fig. 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities: character "30" is used to denote "Amount Financed" (Fig. 2) and "potential participant" (page 12, paragraph [40]) in the specification. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 4-6 and 8 are rejected under 35 U.S.C. 102 (e) as being anticipated by Himmelstein, U.S. Patent No. 7,133,842 (reference A in attached PTO-892).

7. As per claim 1, Himmelstein teaches a currency/barter system for use in the exchange of products, said system comprising:

a database for storing qualified transaction data of said system (see Fig. 1; column 6, lines 59-62; column 28, lines 65-67; where database module in the computer accumulates transaction data);

an input means for receiving qualified transaction data reflecting qualified transactions made by a participant (see Fig. 1; column 4, lines 48-54; where input from participants are received either through investing company website or directly via Internet);

a recording means for storing said qualified transaction data in said database (see Fig. 1; column 6, lines 59-62; where memory in database 116 provides means for recording qualified transactions);

calculation means for determining a balance on said participant's qualified transactions during a designated time period, said calculation means carry out the operations for each participant of:

a) obtaining value of each qualified transaction ; b) calculating a sum of the values of all of said qualified transactions; c) a balance being equal to said sum (see Fig. 4A, 4B; column 5, lines 33-37; column 11, lines 23-27; where barter ordering module 105 creates barter order that include items to be traded); and

d) crediting said participant if said balance is positive; and e) debiting said participant if said balance is negative (see Fig. 6; where positive balance (selling) is shown as "Price of Giving Item" and negative balance (purchasing) is shown as "Price of Receiving Item" in the Table 620; balance of negative and positive balance is automatically calculated and shown in cell " Amount of Barter Left" (individual) and "Residual Amount Left Over"(total)).

8. As per claim 2, Himmelstein teaches claim 1 as described above. Himmelstein further teaches the system wherein:

said qualified transactions are made by bartered goods/services (see column 4, lines 34-41) ;

said goods/services have a defined value (see Fig. 6; column 4, lines 62-67; column 5, lines 1-5; where barter website provide relevant particulars of each item such as price);

said defined value is positive if said participant provides said goods/services; said defined value is negative if said participant obtains said goods/services (see Fig. 6;

Art Unit: 3691

where positive balance (selling) is shown as "Price of Giving Item" and negative balance (purchasing) is shown as "Price of Receiving Item" in the Table 620; balance of negative and positive balance is automatically calculated and shown in cell " Amount of Barter Left" (individual) and "Residual Amount Left Over"(total)); and

said qualified transaction value being equal to said defined value (see Fig. 6; where transaction value is shown as "Barter Amount" which is a defined value)

9. As per claim 4, Himmelstein teaches claim 1 as described above. Himmelstein et al. further teaches the system wherein:

said first participant is paid a refund amount if said balance is positive (see Fig. 6; column 17, lines 6-16; column 18, lines 41-47; where arrear in the barter trade which shows as an amount in the "Residual Amount Left Over"; individual can spend the residual amount such as 1) hold in escrow 2) donate 3) purchase additional barter goods, or 4) convert into "web dollar" which can be converted into cash).

10. As per claim 5, Himmelstein teaches claim 1 as described above. Himmelstein further teaches the system wherein:

said participant is one of a network of participants (see Fig. 1; abstract; where bartering system is implemented between network of plurality of parties each having one or more classes of items available for barter).

11. As per claim 6, Himmelstein teaches the system currency/barter system for use in the exchange of products, said system comprising:

a first qualified transaction, wherein said first qualified transaction is a first participant and a second participant making said exchange of products; a second

Art Unit: 3691

qualified transaction, wherein said second qualified transaction is said first participant and a third participant making said exchange of products (see Fig. 7D; column 19, lines 19-24);

a database for storing qualified transaction data of said first and second qualified transactions (see Fig. 1; column 6, lines 59-62; column 28, lines 65-67; where database module in the computer stores accumulates transaction data);

an input means for receiving qualified transaction data (see Fig. 1; column 4, lines 48-54; where input from participants are received either through investing company website or directly via Internet);

a recording means for storing said qualified transaction data in said database (see Fig. 1; column 6, lines 59-62; where memory in database 116 provides means for recording qualified transactions); and

calculation means for determining a balance on said first participant's first and second qualified transactions during a designated time period( see Fig. 4A, 4B; column 5, lines 33-37; column 11, lines 23-27; where barter ordering module 105 creates barter order that include items to be traded).

12. As per claim 8, Himmelstein teaches in article of manufacture comprising:

a computer useable medium have computer readable program code means embodied therein for controlling a currency/barter system for use in the exchange of products, said computer readable program code means in said article of manufacture comprising:

Art Unit: 3691

computer readable program code means for causing receiving qualified transaction data (see column 27, lines 1-13);

computer readable program code means for causing storing said qualified transaction data in a database (see column 28, lines 65-67; column 29, lines 1-7);

computer readable program code means for causing analyzing said qualified transaction data using a calculation means to determine a balance of a first participant's qualified transactions during a designated time period (see column 27, lines 49-58; column 28, lines 11-13; where sale and purchase of securities by first participant in a barter transaction during designated time is compared and analyzed);

computer readable program code means for calculating a refund amount if said balance is positive; and computer readable program code means for causing outputting said refund amount (see column 28, lines 17-2; Fig. 6; column 17, lines 6-16; column 18, lines 41-47; where arrear in the barter trade which shows as an amount in the "Residual Amount Left Over"; individual can spend the residual amount, such as 1) hold in escrow 2) donate 3) purchase additional barter goods, or 4) convert into "web dollar" which can be converted into cash).

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3691

14. Claim 3, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein, U.S. Patent No. 7,133,842 (reference A in attached PTO-892) in view of Hodroff, U.S. Patent no. 5,592,376 (reference AK in attached IDS submitted by the applicant).

15. As per claim 3, Himmelstein et al. teaches claim 1 as described above. Himmelstein further teaches the system wherein paying to said first participant a refund amount if said balance is positive (see Fig. 6; column 17, lines 6-16; column 18, lines 41-47; where arrear in the barter trade which shows as an amount in the "Residual Amount Left Over"; individual can spend the residual amount such as 1) hold in escrow 2) donate 3) purchase additional barter goods, or 4) convert into "web dollar" which can be converted into cash).

Himmelstein does not teach that if said balance is negative, said credit institution finances said participant for an amount equal to said negative balance.

Hodroff teaches if said balance is negative, said credit institution finances said participant for an amount equal to said negative balance (see chart 2: column 3, lines 10-15; column 3, lines 54-58; where participants use debit card issued by Currency Exchange Network to pay for barter transactions).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow credit institution to finance the participant for an amount equal to said negative balances of Himmelstein because Hodroff teaches financing negative balance by credit institutions creates strategic business alliance of non-profit community organization and for-profit businesses within which individual can

Art Unit: 3691

earn service credits for community services work that they can redeem for goods and services at participating for-profit businesses (Hodroff, column 1, lines 33-37).

16. As per claim 7, Himmelstein teaches a computer system for controlling a currency/barter system for use in the exchange of products, the method comprising:

storing said qualified transaction data in a database (see Fig. 1; column 6, lines 59-62; where memory in database 116 provides means for recording qualified transactions);

analyzing said qualified transaction data using a calculation means to determine a balance of said first participant's qualified transactions during a designated time period, wherein said balance is equal to the difference of said first participant's qualified transaction sales less said first participant's qualified transaction purchases (see Fig. 4D; Fig. 6; column 17, lines 1-8; where barter transaction of first participant during designated time period is analyzed by system 100 and processed; balance of barter is placed in cell "Residual Amount Left Over"; System 100 would not permit transaction if an individual have amount less than required for barter transaction);

calculating a refund amount if said balance is positive; and outputting said refund amount (see Fig. 4D; Fig. 6; column 17, lines 7-16; where system 100 calculates the difference between sells and purchases, and outputs in cell "Residual Amount Left Over" if it is positive); and

receiving qualified transaction data (see Fig. 1; column 4, lines 48-54; where input from participants are received either through investing company website or directly

Art Unit: 3691

via Internet), wherein said qualified transaction data regards said exchange of products between a first participant and a second participant (see Fig. 7A, 7B).

Himmelstein does teach that first participant and said second participant are members of said currency/barter system.

Hodroff teaches that first participant and said second participant are members of said currency/barter system (see column 2, lines 39-55; where a member purchase goods or services from another member in a Currency Exchange Network).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow first participant and second participant be members of the currency/barter system of Himmelstein because Hodroff teaches allowing membership in currency/barter system let member earn a service credit by performing certain task and members can then, spend those service credits in purchasing of goods or services from another member of the system (Hodroff, column 2, lines 41-44).

17. As per claim 9, Himmelstein et al. teach a method of facilitating commercial transactions over a computer network comprising the steps of:

storing said qualified transaction data in a database (see Fig. 1; column 6, lines 59-62; where memory in database 116 provides means for recording qualified transactions) ;

analyzing said qualified transaction data using a calculation means to determine a balance of said first participant's qualified transactions during a designated time period, wherein said balance is equal to the difference of said first participant's qualified

Art Unit: 3691

transaction sales less said first participant's qualified transaction purchases (see Fig. 4D; Fig. 6; column 17, lines 1-8; where barter transaction of first participant during designated time period is analyzed by system 100 and processed; balance of barter is placed in cell "Residual Amount Left Over"; System 100 would not permit transaction if an individual have amount less than required for barter transaction) ;

calculating a refund amount if said balance is positive; and outputting said refund amount (see Fig. 4D; Fig. 6; column 17, lines 7-16; where system 100 calculates the difference between sells and purchases and outputs in cell "Residual Amount Left Over" if it is positive); and

receiving qualified transaction data (see Fig. 1; column 4, lines 48-54; where input from participants are received either through investing company website or directly via Internet), wherein said qualified transaction data regards said exchange of products between a first participant and a second participant (see Fig. 7A, 7B).

Himmelstein does teach that first participant and said second participant are members of said currency/barter system.

Hodroff teaches that first participant and said second participant are members of said currency/barter system (see column 2, lines 39-55; where a member purchase goods or services from another member in a Currency Exchange Network).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow first participant and second participant be members of the currency/barter system of Himmelstein because Hodroff teaches allowing membership in currency/barter system let member earn a service credit by

Art Unit: 3691

performing certain task and members can then, spend those service credits in purchasing of goods or services from another member of the system (Hodroff, column 2, lines 41-44).

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. The following are pertinent to current invention, though not relied upon:

Boesch et al. (U.S. Patent No. 5,897,621) teach system and method for multi-currency transactions.

Neff et al. (U.S. Pub No. 2003/00114351) teach electronic bartering system with facilitating tools.

Postrel (U.S. Patent No. 7,096,190) teaches system for electronic barter, trading and redeeming points accumulated in frequent use reward programs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571)270-1374. The examiner can normally be reached on Monday - Friday, 7:30 a.m - 5 p.m, 2nd Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Nolan can be reached on (571)270-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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